

**REMARKS**

This Amendment and Response to Non-Final Office Action is being submitted in response to the non-final Office Action mailed October 2, 2006. Claims 1 – 12 are pending in the Application.

Claims 8 – 12 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite. Claims 1 – 2, 8, and 10 – 12 stand rejected under 35 U.S.C. §102(e) as being anticipated by *Lauder et al.* (U.S. Pat. Pub. No. 2002/0181037). Claims 3 – 7 and 9 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Lauder et al.* (U.S. Pat. Pub. No. 2002/0181037) in view of *Badr* (U.S. Pat. No. 6,567,194).

In response to these rejections, Claims 1 and 8 have been amended to further clarify the subject matter which Applicants regard as the invention, without prejudice or disclaimer to continued examination on the merits. These amendments are fully supported in the Specification, Drawings, and Claims of the Application and no new matter has been added. Based upon the amendments and the arguments presented herein, reconsideration of the Application is respectfully requested.

**Claim 8 – 12 Rejection – 35 U.S.C. §112, second paragraph**

Applicants have amended independent Claim 8 to recite “said protection signal being looped back” in place of “said protection signal being repeated” in response to this rejection. Accordingly, Applicants respectfully submit that the rejection of Claims 8 – 12 as being indefinite under 35 U.S.C. §112, second paragraph, has now been traversed. Therefore, withdrawal of this rejection is respectfully requested.

**Claim 1 – 2, 8, and 10 – 12 Rejection – 35 U.S.C. §102(e) – *Lauder et al.***

Claims 1 – 2, 8, and 10 – 12 stand rejected under 35 U.S.C. §102(e) as being anticipated by *Lauder et al.* (U.S. Pat. Pub. No. 2002/0181037). Applicants respectfully

submit that Lauder *et al.* do not disclose all of the recited limitations because Lauder *et al.* fail to disclose a protection signal in addition to a selector for providing 1:N protection in tandem with 1+1 optical path protection.

Applicants note that the communication system of independent Claim 1 and the tandem protection method of independent Claim 8 provide both 1+1 optical path protection and 1:N protection in tandem. Lauder *et al.* only disclose 1+1 optical path protection. Applicants have amended Claims 1 and 8 to further clarify the invention by noting that the protection signal provides 1:N protection.

Examiner states that “said remote network element including a protection component for transmitting and receiving said protection signal generated by said protection transceiver” is disclosed by Lauder *et al.* as Tx2 and Rx2 in Figure 13.<sup>1</sup> Applicants respectfully disagree. Figure 13 of Lauder *et al.* illustrates management channel connectivity.<sup>2</sup> This does not disclose a dedicated protection signal to provide 1:N protection against a transceiver failure at one of the sites.

Examiner also states that “said protection component operating in a loop back mode when said transceiver is operational, said protection component coupling said protection signal to said clockwise transceiver and said counter-clockwise transceiver when said transceiver is not operational” is disclosed by Lauder *et al.* in ¶[0008].<sup>3</sup> Applicants again respectfully disagree. Here, Lauder *et al.* disclose only 1+1 optical path protection, and not 1:N protection, against transceiver failure in tandem with 1+1 optical path protection.

Accordingly, Applicants have amended independent Claim 1 to recite as follows:

1. A communication system providing tandem protection in a ring network, the system comprising:

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<sup>1</sup> Non-Final OA, October 2, 2006, p. 3

<sup>2</sup> Lauder *et al.*, U.S. Pat. Pub. 2002/0181037, Figure 13, ¶[0166] - ¶[0173]

<sup>3</sup> Non-Final OA, October 2, 2006, p. 4

a hub network element having a transceiver transmitting and receiving a signal on said ring network in multiple directions to define a clockwise signal and a counterclockwise signal and a protection transceiver transmitting and receiving a protection signal on said ring network in a clockwise direction and a counter-clockwise direction;

at least one remote network element in communication with said hub network, said remote network element including a clockwise transceiver and a counter-clockwise transceiver;

said remote network element including a selector for selecting a signal from one of said clockwise transceiver and said counter-clockwise transceiver for transmission to a service interface;

said remote network element including a protection component for transmitting and receiving said protection signal generated by said protection transceiver;

said protection component operating in a loop back mode when said transceiver is operational, said protection component coupling said protection signal to said clockwise transceiver and said counter-clockwise transceiver when said transceiver is not operational **providing 1:N protection.**

Additionally, Applicants have amended independent Claim 8 to recite as follows:

8. A method for providing tandem protection in a ring network, the method comprising:

transmitting and receiving a signal on said ring network in multiple directions to define a clockwise signal and a counter-clockwise signal and transmitting and receiving a protection signal on said ring network in a clockwise direction and a counter-clockwise direction;

at a remote network element, selecting one of said clockwise signal and said counter-clockwise signal for transmission to a service interface;

at said remote network element, transmitting and receiving said protection signal, said protection signal being **looped back** when one of said clockwise signal and said counterclockwise signal is present, said protection signal being transmitted to said service interface when said clockwise signal and said counter-clockwise signal are not present **providing 1:N protection.**

Accordingly, Applicants respectfully submit that the rejection of Claims 1 – 2, 8, and 10 – 12 as being anticipated under 35 U.S.C. §102(e) has now been traversed. Therefore, withdrawal of this rejection is respectfully requested.

**Claim 3 – 7 and 9 Rejection – 35 U.S.C. §103(a) – Lauder *et al* and Badr**

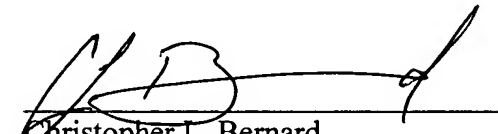
Claims 3 – 7 and 9 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Lauder *et al.* (U.S. Pat. Pub. No. 2002/0181037) in view of Badr (U.S. Pat. No. 6,567,194). Applicants respectfully submit that the amendments and arguments provided herein with respect to independent Claims 1 and 8 apply with equal force to this rejection. Accordingly, Applicants respectfully submit that the rejection of Claims 3 – 7 and 9 under 35 U.S.C. §103(a) as being unpatentable over Lauder *et al.* (U.S. Pat. Pub. No. 2002/0181037) in view of Badr (U.S. Pat. No. 6,567,194) has now been traversed. Therefore, withdrawal of this rejection is respectfully requested.

**CONCLUSION**

Applicants would like to thank Examiner for the attention and consideration accorded the present Application. Should Examiner determine that any further action is necessary to place the Application in condition for allowance, Examiner is encouraged to contact undersigned Counsel at the telephone number, facsimile number, address, or email address provided below. It is not believed that any fees for additional claims, extensions of time, or the like are required beyond those that may otherwise be indicated in the documents accompanying this paper. However, if such additional fees are required, Examiner is encouraged to notify undersigned Counsel at Examiner's earliest convenience.

Respectfully submitted,

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